

MEDIATION

Attached please find REQUEST FOR MEDIATION FORMS and instructions. There are three (3) different forms that can be used to request mediation. Choose the form that best fits your situation.

The purpose of mediation is for parents to negotiate and put in written form a plan, which specifies CUSTODY and PARENTING TIME arrangements for minor children. You must have a Pima County Superior Court case number before the Court can order mediation. Cases may be designated by a D, SP, G, or C number. In paternity cases, judgment of paternity must be established before mediation can occur. The Conciliation Court cannot mediate child support or financial/property matters. Mediation at the Conciliation Court is provided at no cost to the parties. If the Court orders mediation, the Court will require you and the other parent/party to attend mediation at the Family Center of the Conciliation Court (FCCC).

Mediation will NOT help you ENFORCE an existing custody/parenting time plan, or help you ENFORCE, ESTABLISH, OR MODIFY child support. If you need help from the Court to enforce custody and/or parenting time or to establish, enforce or modify child support, you must file the proper forms with the Court. For a nominal fee, packets of forms and information can be obtained from the self service center located in the Law Library on the 2nd floor of the Superior Court at 110 West Congress.

In pre-decree and paternity cases where no permanent custody or parenting time plan has previously been established/ordered by the court, both parties should attend the mandatory parent education class prior to mediation. After you pay the course fee at the Clerk of the Superior Court, you may register for the parent education class at www.sc.pima.gov/fccc/parented or by calling (520) 243-4949.

THERE ARE (3) DIFFERENT FORMS THAT CAN BE USED TO REQUEST MEDIATION. PLEASE SEE THE DESCRIPTIONS ON THE OTHER SIDE OF THIS HANDOUT TO DETERMINE WHICH FORM IS RIGHT FOR YOUR SITUATION.

1. **Form CC0178: REQUEST FOR MEDIATION WHEN THERE IS A CURRENT CHILD/CUSTODY ACTION PENDING BEFORE THE COURT.**

This form is to be used to request mediation in cases where there is a current action pending before the court such as a petition for divorce (pre-decree), a petition for modification of custody and/or parenting time (post-decree) or a paternity case where paternity has been established and one party has petitioned the court to establish or modify custody and/or parenting time.

2. **Form CC0105: VOLUNTARY AGREEMENT TO MEDIATE CHILD CUSTODY AND/OR PARENTING TIME**

This form is to be used to request mediation if there are existing custody and/or parenting time orders, and both parties are willing to attend mediation voluntarily, i.e., not under order of the Court. Both parties must sign this form in order for mediation to be scheduled. Note: In pre-decree cases, voluntary mediation cannot occur. Please use form CC0178 for pre-decree mediation (see above).

3. **Forms CC0472, CC0473, CC0474, CC0475: REQUEST FOR POST-DECREE/POST-JUDGMENT MEDIATION: NO CURRENT CUSTODY AND/OR PARENTING TIME ACTION BEFORE THE COURT**

These forms are to be used to request mediation if all (3) of the following apply:

- a. There is no current action pending before the Court; i.e., no petition for modification of custody and/or parenting time.
- b. In a divorce case: There is an existing custody and/or parenting time order in place or
In a paternity case: Paternity has been established, but no custody or parenting time orders are in place.
- c. One party is not willing to attend mediation voluntarily.

AND

One or more of the following categories apply:

- 1. There is a dispute between you and the other parent regarding custody or parenting time and both parents have agreed in writing in the most recent parenting plan or by stipulation or were ordered to seek mediation as a method of resolving disputes prior to petitioning the Court for a hearing, and one of the parents is not willing to voluntarily agree to attend mediation at the Conciliation Court.

AND/OR

- 2. There is an order adjudicating paternity, but no custody or parenting time orders in a paternity action;

AND/OR

- 3. It has been more than 1 year since the most recently Court-ordered parenting plan or child custody and parenting time orders, and there is a significant change in a parent or children's circumstances which would warrant a change in the existing orders, and one of the parents is not willing to voluntarily agree to attend mediation.